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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,470

08/21/2002

Tetsuya Takashima

MATS:036

2935

7590

11/26/2003

Rossi & Associates

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Ashburn, VA 20146-0826

EXAMINER

COMAS, YAHVEH

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 11/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/088,470	TAKASHIMA, TETSUYA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yahveh Comas	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1103</u> . | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1 -16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

3. Figure 11-14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-6, 9-10, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA, pages 1-4) in view of Phillips et al. U.S. Patent No. 5,600,516.

Regarding claims 1-6, 9-10, 14 and 15, AAPA discloses an actuator comprising, a pair of yokes opposing each other, a magnet fixed to at least one of said yokes, a carriage pivotable about a rotary shaft, a coil, and a holding member formed (11) of a thermoplastic resin-filled block securing said coil (7), wherein said carriage includes a pair of spaced apart coil fitting arms (12a and 12b) opposing each other, each of said arms having a stepped portions (13), the stepped

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portions of said coil fitting arms (12a and 12b) facing each other and are formed on the same sides of said coil fitting arms, and each of said coil fitting arms (12a and 12b) having a plurality of through-holes (14), wherein said holding member (11) is disposed between said coil fitting arms (12a and 12b), and extends into each through-hole to secure said holding member (11) to said carriage, wherein the holding member is configured so that the bottom of the stepped portion is substantially flush with the bottom of the holding member, and wherein said through-holes extend through said stepped portions and further extend to the top of said coil fitting arms. AAPA doesn't disclose that through-hole being sized larger at the bottom than at the top of said stepped portion.

However, Phillips disclose a actuator comprising a pair of yokes (24) opposing to each other via a first specified space, a magnet (100) fixed to at least one of said yokes, and a carriage holding a coil (88), wherein said carriage comprises two coil fitting arms (86) opposing to each other, said fitting arms having through-hole (104 and 106), said through-hole being sized larger at the bottom than at the top of said stepped portion (see fig. 6 and 6a), said coil disposed between said two coil fitting arms (86), and a holding plastic member (90) is melted to flow over the voice coil (88) for the purpose of attaching said voice coil (88) to said coil fitting arms (86) (for example column 4 , lines 43-53).

Therefore, it would have been obvious to one having skill in the art at the time the invention was made to provide a fitting arm with through-holes being sized larger at the bottom than at the top of said stepped portion since this would have been desirable to attach the voice coil to the coil fitting arms.

Regarding claims 7 and 8, as applied to claims 1-6, disclose the claimed invention except for the sectional section size and the sectional area parallel to the bottom of said through-holes is gradually reduced up to a specified point from the bottom and is constant from the specified point up to the top. However, it would have been an obvious matter of design choices to made the sectional section size or the sectional area parallel to the bottom of said through-holes is gradually reduced up to a specified point from the bottom and is constant from the specified point up to the top, since applicant has not disclosed that the sectional section size or the sectional area parallel to the bottom of said through-holes is gradually reduced up to a specified point from the bottom and is constant from the specified point up to the top solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a through-hole being sized larger at the bottom than at the top of said stepped portion.

Regarding claims 11 and 12, as applied to claims 1-6, disclose the claimed invention except that the resin is thermosetting resin or time-lapse setting resin. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use thermosetting resin or time-lapse setting resin, since has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding to claim 16, APPA, as applied to claims 1-6, disclose the claimed invention except for the holes are trapezoidal shaped. However, it would have been an obvious matter of design choices to made the holes with a trapezoidal shape, since applicant has not disclosed that the trapezoidal shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well without the trapezoidal shape.

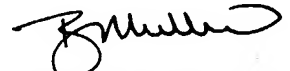
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (703) 305-3419. The examiner can normally be reached on M - F 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308-1371. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

YC

  
BURTON S. MULLINS  
PRIMARY EXAMINER